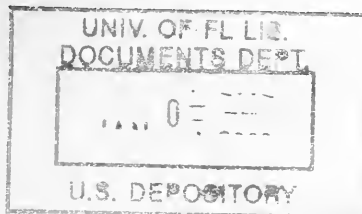


NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
TRUCKING INDUSTRY**

AS APPROVED ON MAY 11, 1935



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Approved Code No. 278—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TRUCKING INDUSTRY

As Approved on May 11, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification to the Code of Fair Competition for the Trucking Industry, and an opportunity to be heard having been duly afforded all interested parties and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6589, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

L. H. PEEBLES,

Division Administrator.

WASHINGTON, D. C.,

May 11, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to Article V, Section B, Subsection 4 of the Code of Fair Competition for the Trucking Industry.

The Code of Fair Competition for the Trucking Industry was approved on February 10, 1934. Article V, Section B provides for minimum wages for the various employees engaged in the Industry. This proposed amendment was submitted to the Administration by the National Code Authority for the said Industry. After approval, this amendment will set up minimum weekly rates of pay for rate clerks and dispatchers and will thereafter be a part of the Code and enforceable as such.

This amendment proposes to set up minimum wage scales for rate clerks and dispatchers of (a) \$18.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$17.40 per week in any city of 250,000 or over and less than 500,000 population, or in the immediate trade area thereof; (c) \$16.80 per week in cities or places of less than 250,000 population.

Under the provisions of Article V, Section A, Subsection 1 of the Trucking Code, no employee engaged in clerical or office work except rate clerks and dispatchers is permitted to work in excess of forty (40) hours in any one week. All other employees excepting drivers and helpers (including rate clerks and dispatchers) may not work in excess of forty-eight (48) hours per week averaged over a three week period.

Article V, Section B, Subsection 4, as now written, provides that office employees shall not be paid less than at the rate of (a) \$15.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$14.50 per week in any city between 250,000 and 500,000 population, or in the immediate trade area thereof; (c) \$14.00 per week in cities or places of less than 250,000 population.

It can be seen that in the hour provisions a differentiation is made between the maximum hours allowed for rate clerks and dispatchers and those allowed other office employees. The former are allowed to work forty-eight (48) hours a week averaged over a three week period and the latter are restricted to forty (40) hours a week. However, in the wage provisions no such differentiation is made and all office employees are to be paid at the rate specified above. This is inequitable since under this arrangement rate clerks and dispatchers would be paid the same weekly wage for a forty-eight (48) hour week that other office employees are paid for a forty (40) hour week.

Rate clerks and dispatchers are as skilled as any other type of office employee and should receive at least the same rate of pay. This amendment is drawn to achieve this result. The weekly wage scales set up in the proposed amendment have been arrived at by

dividing the weekly wage of office employees in each class by forty and by multiplying the result by forty-eight.

FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on this amendment to said Code, having found as herein set forth and on the basis of all proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) This amendment will eliminate an inequitable differential relative to minimum wages as applied to clerical employees in the Trucking Industry.

(b) This amendment will correct an oversight in code drafting that should have been contained in the Trucking Code from the beginning.

(c) This amendment providing minimum wages for rate clerks and dispatchers is fair to industry members and beneficial to labor.

(d) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstruction to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present producing capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving employment, by improving standards of labor, and by otherwise rehabilitating industry.

(e) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(f) The Code Authority, which submitted the application for amendment of the Code, is authorized by said Code to submit amendments which upon approval by the National Recovery Administration, will become binding on the Industry.

(g) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(h) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(i) Those engaged in any other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

U. I.

MAY 11, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

Article V, Section B, Subsection 4 is hereby amended by adding the following clause thereto:

“; provided, however, that no rate clerk or dispatcher shall be paid less than at the rate of (a) \$18.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$17.40 per week in any city of 250,000 or over and less than 500,000 population, or in the immediate trade area thereof; (c) \$16.80 per week in cities or places of less than 250,000 population.”

As thus amended, Article V, Section B, Subsection 4 reads as follows:

“4. No office employees shall be paid less than at the rate of (a) \$15.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$14.50 per week in any city between 250,000 and 500,000 population, or in the immediate trade area thereof; (c) \$14.00 per week in cities or places of less than 250,000 population; provided, however, that no rate clerk or dispatcher shall be paid less than at the rate of (a) \$18.00 per week in any city of 500,000 population or over, or in the immediate trade area thereof; (b) \$17.40 per week in any city of 250,000 or over and less than 500,000 population, or in the immediate trade area thereof; (c) \$16.80 per week in cities or places of less than 250,000 population.”

Approved Code No. 278—Amendment No. 5.
Registry No. 1411-61.

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